

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 2, 14, 15-20, 22, and 23 have been amended. No new matter is being presented, and approval and entry are respectfully requested. Therefore, claims 1-3, 5-20, and 22-32 are pending and under consideration. Reconsideration is respectfully requested.

OBJECTIONS TO THE DRAWINGS

In the Office Action, at page 2, the drawings were objected to for not showing the features of claims 4 and 21. However, applicant notes that a new FIG. 10, which illustrates arch shaped electrodes as recited by claims 4 and 21, has been submitted concurrently herewith. Thus, the outstanding drawing objections should be resolved. It is therefore respectfully requested that the objections to the drawings be withdrawn.

AMENDMENTS TO THE SPECIFICATION

Applicant notes that the specification has been amended to account for and make reference to the newly added FIG. 10.

AMENDMENTS TO CLAIMS 17-20, 22 and 23

These claims have been amended by the removal of the word "element" from the preamble of each claim. This amendment is only intended to improve the form of the claim and should not be construed to affect the scope thereof.

REJECTION UNDER 35 U.S.C. §112

In the Office Action, at page 2, claims 4 and 21 were rejected under 35 U.S.C. §112, second paragraph. However, since FIG. 10 has been added, it is respectfully asserted that these rejections are moot.

REJECTION UNDER 35 U.S.C. §102

In the Office Action, at page 3, claims 1, 14, 27, and 28 were rejected under 35 U.S.C. §102 in view of Sheidler et al. (U.S. 2,683,795). This rejection is traversed and reconsideration is requested.

Briefly, applicant notes that claim 1 recites a cooking apparatus. According to the claim, the apparatus comprises a heater to directly heat the tray to cook the food by activation of the heater, having a pair of electricity providing terminals, first and second electrodes to provide a circuit along which the electricity may flow, and a conductive film on a lower surface of the tray to heat the tray as electricity flows along paths through the conductive film that are as short as possible.

Similarly, claim 14 also recites a heating element having a pair of electricity providing terminals, first and second electrodes to provide a circuit along which the electricity may flow, and a conductive film through which the electricity flows along paths that are as short as possible, the conductive film to generate heat as a result to heat the heating element.

As noted in the Office Action, Sheidler “does not show the heater being a film type heater with a conductive film...and having first and second electrodes.” Applicant wholeheartedly agrees with this statement. Therefore, applicant asserts that claims 1 and 14, both of which recite a conductive film and first and second electrodes, patentably distinguish over Sheidler, that the rejections are overcome, and that the claims are allowable.

Regarding the rejection of claims 27 and 28, it is noted that these claims are dependent from claim 14 and are therefore allowable for at least the reasons as set forth above with respect to claim 14.

REJECTION UNDER 35 U.S.C. §103

In the Office Action, at page 4, claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31 were rejected under 35 U.S.C. §103 in view of Sheidler et al. (U.S. 2,683,795) and Salton (U.S. 2,976,386). The rejection is traversed and reconsideration is requested.

Unlike Sheidler, Salton discloses a conductive film. However, applicant respectfully directs attention to FIG. 1 of Salton, so as to demonstrate that Salton does not disclose either “a conductive film on a lower surface of the tray to heat the tray as electricity flows along paths through the conductive film that are as short as possible,” as claimed in claim 1, or “a conductive film through which the electricity flows along paths that are as short as possible,” as claimed in claim 14.

Rather, Salton discloses a conductive film that resembles a ribbed structure. As a result, electricity cannot flow directly through the conductive film of Salton as in the presently claimed invention, but would instead be forced to frequently change directions as the flow of electricity in Salton travels through each of the illustrated “ribs.” As such, the claimed conductive film is patentably distinguished from the Salton conductive film.

Thus, regarding the rejection of claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31, which depend from claims 1 and 14, applicant asserts that these claims are allowable over any combination of the prior art, and that, therefore, the rejections of claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31 are overcome.

In the Office Action, at page 5, claims 10, 11, 29, and 30 were rejected under 35 U.S.C. §103 in view of Sheidler et al. (U.S. 2,683,795) and Salton (U.S. 2,976,386) as applied to claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31 above, and further in view of Christiansson (U.S. 3,548,154). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Having reviewed Christiansson, applicant notes that Christiansson fails to cure the deficiencies of the combination of Sheidler and Salton as discussed and defined above. Therefore, applicant respectfully asserts that the claims 10, 11, 29, and 30 define over any combination of the prior art including Christiansson, and that, therefore the rejections of claims 10, 11, 29, and 30 are overcome.

In the Office Action, at page 5, numbered paragraph 9, claims 7, 8, and 26 were rejected under 35 U.S.C. §103 in view of Salton (U.S. 2,976,386) as applied to claims 2, 5, 6, 9, 12, 15-18, 22-25, and 31 above, and further in view of Torning (U.S. 4,517,446). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Having reviewed Torning, applicant notes that Torning fails to cure the deficiencies of the combination of Sheidler and Salton as discussed and defined above. Therefore, applicant respectfully asserts that the claims 10, 11, 29, and 30 define over any combination of the prior art including Torning, and that, therefore the rejections of claims 10, 11, 29, and 30 are overcome.

CONCLUSION


In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: 
Howard I. Levy
Registration No. 55,378

Date: August 18, 2004

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501